

IN

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,214	LANG ET AL.	
	Examiner Alessandro V. Amari	Art Unit 2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to election of 7/8/2004.
2.  The allowed claim(s) is/are 9-20.
3.  The drawings filed on 8/18/2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>8/18/2003</u>	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Henry Jaudon on 05 August 2004.

The application has been amended as follows:

- (a) Claims 1-8 have been canceled
- (b) In claim 16, line 2, changed phrase from "second parts" to --second spaces--
- (c) In claim 17, line 1, changed the term "carried" to --carrier--.

### ***Election/Restrictions***

2. This application is in condition for allowance except for the presence of claims 1-8 (Group I) to an invention non-elected with traverse in the reply filed on 08 July 2004. Applicant agreed to cancel claims 1-8 provided that Examiner explain reasons for maintaining the restriction requirement as proper. The traversal is on the ground(s) that claims 9-16 (Group II invention) are directed to the method of manufacturing a rearview mirror assembly including providing a carrier, i.e., the carrier defined in the claims of Group I. The Applicant argues that the Examiner's statement that the carrier of Group I may be useful as a holder for any type of reflective surface is improper and unsupportable as the

claims clearly call for a “carrier for a rearview mirror assembly” which limits the claimed carrier to such an assembly.

This is not found persuasive because the carrier recited in the Group II invention is not necessarily the same carrier recited in Group I invention. Further, this is not the criterion for the restriction to be valid. The intermediate product of Group I, i.e., the carrier, can be useful to make a final product different from that in Group II, because the carrier of Group I may be used in conjunction with a mirror assembly having features or elements different from those set forth in Group II.

The requirement is still deemed proper and is therefore made FINAL.

***Allowable Subject Matter***

3. Claims 9-20 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claim 9 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “affixing a carrier arm having a proximal end and a distal end to the vehicle, the proximal end affixed to the second side of the carrier opposite the mirror housing, the distal end extending away from the proximal end and configured to attach the carrier to the vehicle, the arm having a second hollow space therein; and filling the first hollow space of the carrier and the second hollow space of the carrier with a fill material” as set forth in the claimed combination. Claims 10-20 are also allowable due to their dependence on claim 9.

The prior art of record, Ward discloses a rearview mirror assembly having a plastic carrier having a first hollow space therein, the first hollow space extending substantially through the majority of the carrier, the carrier having a first and second side and with a mirror housing attached to the first side of the carrier. Ward lacks a teaching of a carrier arm wherein the arm has a second hollow space therein and no motivation or teaching is present to modify this difference as derived.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava AVY  
06 August 2004

  
MARK A. ROBINSON  
PRIMARY EXAMINER